



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: TOUNAI
Serial No.: 10/813,834
Filed: March 31, 2004
For: METHOD OF TESTING MASK PATTERN AND ...
Group: 2624 Confirmation No. 6044
Examiner: PARK, EDWARD DOCKET: NEC A433

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR 1.131 OF PRIOR INVENTION IN A WTO
MEMBER COUNTRY TO OVERCOME A CITED PATENT REFERENCE**

Dear Sir:

The undersigned, being the named inventor of the subject application, declares and states the following:

(1) I conceived of and completed the invention described and claimed in the subject application, in Japan, prior to March 12, 2003, the US filing date of the Kobayashi et al. U.S. Patent 6,907,596 cited in the Office Action mailed July 17, 2007 in the above matter.

(2) As proof thereof, I provide the following:

Exhibit A which is a full and complete copy of the first draft patent application, prepared by my Japanese attorneys on my disclosure and forwarded to me for review prior to March 12, 2003.

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Serial No. 10/813,834
Docket No. NEC A433
Declaration

The application was reviewed by me, finalized by my Japanese attorneys, and filed in the Japanese Patent Office as Japanese Patent Application Serial No. 2003-94710 filed March 31, 2003. The claims filed in my Japanese application were identical to the claims contained in the first draft.

(3) The foregoing and attachment clearly shows a date of conception and completion of the invention of this application all prior to the March 12, 2003 US filing date of the Kobayashi et al. patent. Moreover, having conceived of the invention prior to March 12, 2003, I proceeded diligently to prepare a complete written disclosure of same and to then promptly file a patent application, initially in Japan, and thereafter in the United States, covering the invention. At no time between my conception of the invention, and my filing of the subject U.S. Patent Application, did I ever intend to abandon the invention.

As the named inventor, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Keiichiro Tounai
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Date 2007. 10. 9

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